

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

TYLER TECHNOLOGIES, INC.,

PLAINTIFF,

v.

LEXUR ENTERPRISES INC.,
ROBERT FRY, JIMMY DAVIS, JOE
THORNSBERRY, AND JOHN DOES
1-100,

DEFENDANTS.

CAUSE NO. 4:20-CV-00173-TWP-DML

**DEFENDANT ROBERT FRY'S PRELIMINARY
WITNESS AND EXHIBIT LIST**

Defendant Robert Fry, by counsel, submits his Preliminary Witness and Exhibit lists in accordance with the Case Management Plan (Dkt. 26) and states as follows:

WITNESSES

1. Jimmy Davis
2. Joe Thornsberry
3. Robert Fry
4. Jennifer Bippus
5. As of yet unidentified Lexur employees who may have been involved with, or have information about, the activities alleged in the Complaint.
6. As of yet unidentified Tyler employees who may have been involved with, or have information about, the activities alleged in the Complaint.

7. As of yet unidentified employees of the Counties (as defined in the Complaint) at issue in the litigation who may have been involved with, or have information about, the activities alleged in the Complaint.
8. As of yet unidentified Tyler employees who may have been involved with, or have information about, Tyler's bidding activities similar to those alleged by Tyler to have been improper in the Complaint.
9. Karen Mannix
10. Stacey Matthews
11. Shawna Bushhorn
12. James Sinks
13. Katie Kaufman
14. Megan Acra
15. Mark Folkerts
16. Nate Knopp
17. Troy Fryman
18. Cathy Gould
19. Barry Wood
20. David Marusarz
21. Dan Muthard
22. Any experts any party to this lawsuit may retain and designate to testify by the deadlines set forth in the Case Management Plan.
23. Any individual identified in discovery responses, depositions, initial disclosures, preliminary witness lists, final witness lists, including any supplements or amendments thereto.
24. All witnesses necessary to lay proper foundation to admit exhibits.
25. All necessary rebuttal witnesses.

The foregoing list of witnesses includes all witnesses presently known to Defendant, who may be called at trial in this case. Discovery is ongoing and not yet

completed. Defendant therefore reserves the right to amend, modify, or supplement this witness list at any time. In the event other witnesses are identified by the Defendant, they will be disclosed to the Court and counsel as soon as practicable.

EXHIBITS

1. Emails and other written communications between Lexur, Jimmy Davis and Joe Thornsberry.
2. Written documents regarding Tyler Technology Inc.'s negotiations with various Indiana counties
3. Written documents regarding Tyler Technology Inc.'s communications with the State of Indiana officials regarding bidding
4. Emails and other written communications between the Defendants and the Counties (as defined in the Complaint)
5. The 2018-2022 cyclical reassessment contracts entered into between Tyler and each of the Counties (as defined in the Complaint)
6. The Requests for Bids and Notices for Bids published by the Counties (as defined in the Complaint) in or about late June/early July 2020
7. The documents provided to Tyler by the Counties (as defined in the Complaint) in or about late June/early July 2020
8. The documents provided to Tyler by the Counties (as defined in the Complaint) pursuant to Tyler's APRA/FOIA requests
9. The documents provided to Tyler by Penn Township, Indiana pursuant to Tyler's APRA/FOIA requests
10. The termination letters that the assessors for the different counties involved in this matter sent to Tyler in 2020
11. Tyler's various bid protest communications with the Counties (as defined in the Complaint) and the DLGF
12. Thornsberry's employment agreements and restrictive covenants
13. Tyler's employee handbook and Davis's and Thornsberry's written acknowledgements of the same

14. Davis and Thornsberry's compensation records from their employment at Tyler
15. All documents attached to the Complaint
16. All documents produced in response to discovery
17. All documents subpoenaed by the parties to this action
18. All documents referenced in other parties' exhibit lists
19. All admissible information contained in the depositions taken in this matter, including any exhibits to any deposition;
20. All pleadings, motions, or other documents, including any attachments or exhibits thereto, filed with the Court in this litigation
21. The reports of any designated expert witness
22. All exhibits needed for impeachment or rebuttal

The foregoing list of exhibits includes all exhibits presently known to Defendant. Discovery is ongoing and not yet completed. Defendant therefore reserves the right to amend, modify, or supplement this exhibit list at any time. In the event other exhibits are identified by the Defendant, they will be disclosed to the Court and counsel as soon as practicable.

Douglas B. Bates

Douglas B. Bates, Bar No. 16355-10
Chelsea R. Stanley, Bar No. 32770-22
STITES & HARBISON PLLC
323 East Court Avenue
Jeffersonville, IN 47130
Telephone: (812) 282-7566
Email: dbates@stites.com
Email: cstanley@stites.com

COUNSEL FOR DEFENDANT
ROBERT FRY

206299:1